REMARKS

This is a full and timely response to the outstanding final Office Action mailed March 1, 2004. Reconsideration and allowance of the application and presently pending claims 3-15 and 20-36, as amended, are respectfully requested.

1.   <u>Present Status of Patent Application</u>

Upon entry of the amendments in this response, claims 3-15 and 20-36 remain pending in the present application. More specifically, claims 3, 9-13 and 15 are amended; claims 1-2 and 16-19 are canceled; and claims 20-36 are added. These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application.

2.   <u>Interview on April 27, 2004 and Request For Continued Examination</u>

Applicants thank the Examiner for granting an interview with the Applicants' undersigned attorney on April 27, 2004 to discuss the finality of the present Office Action. In response to the Examiner's maintaining the finality of the present Office Action, and in accordance with 37 U.S.C. 1.114, a Request For Continued Examination is filed concurrently with this Response to the Final Office Action. Accordingly, the Office Action mailed March 1, 2004 (Paper No. 6) is effectively made non-final. Applicants note that no issues of patentable subject matter were discussed during the interview.

3.   <u>Response to Rejection of Claims 1, 13, 15-17 Under 35 U.S.C. §102(e)</u>

In the Office Action, claims 1, 13, 15-17 stand rejected under 35 U.S.C. §102(e) as allegedly being unpatentable by *Anderson et al.* (U.S. Patent 6,587,119), hereinafter *Anderson.*

a.   <u>Claims 1, 16 and 17</u>

Claims 1, 16 and 17 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims are rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

b.   Claim 13

Claim 13 is amended to depend upon claim 10. Claim 10 is amended herein to be in an independent claim format. Because independent claim 10 is allowable over the cited art of record for the reasons described below, dependent claim 13 (which depends from independent claim 10) is allowable as a matter of law for at least the reason that the dependent claim 13 contains all features/elements/steps of independent claim 10. See, *e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to this claim should be withdrawn.

b.   Claim 15

For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. See, *e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988). Applicants respectfully submit that independent claim 15, as amended, is allowable for at least the reason that *Anderson* does not disclose, teach, or suggest the feature of "computer program stored on a computer-usable medium, the computer program comprising computer-readable instructions for causing the computer to execute the steps of: ... determining a dominant edge, line or curve corresponding to the identified characteristics of the image content; determining a display path moving between each index frame, the display path following the determined dominant edge, line or curve" as recited in claim 15.

Applicants believe that *Anderson* does not disclose, teach, or suggest using any type of computer program which executes computer-readable instructions for causing the computer to execute the above-described steps. At most, *Anderson* discloses that "key frames automatically appear on the image" (Col. 6, lines 53-54). Applicants believe that the *Anderson* processing system is therefore *limited to automatically showing the key frames on the image*. For the convenience of the Examiner, the entire disclosing paragraph in *Anderson* is repeated below (Col. 6, lines 50-59, Emphasis added):

> Two preferred embodiments for placing a sequence of key frames 475 within image according to the present invention will be described. In the *first embodiment* for enabling a user to define a panning and zooming path, the key frames 475 automatically appear on the image, and *the user then uses* the four-way controller 409 and the soft keys 416 *to place and resize the key frames* 475 accordingly. In the *second embodiment*, the user manually draws the key frames 475 in their desired location using the four-way controller 409 and the soft keys 416.

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In the above-disclosed *first embodiment*, *Anderson* apparently teaches that the computer 118 (labeled with reference numeral 110 in FIG. 1) causes the key frames to automatically appear on the image. *Anderson* does not teach, disclose or suggest anywhere that the *Anderson* computer 118 is able to do anything more than automatically causing the key frames to appear on the image. *Anderson* clearly is limited to disclosing that, after the computer 118 causes the key frames to automatically appear on the image, "*the user then uses* the four-way controller 409 and the soft keys 416 *to place and resize the key frames* 475 accordingly" (Col. 6, lines 54-56, Emphasis added). Thus, it is clear that *Anderson* computer 118 *does not automatically* perform any of the recited features of claim 15.

Applicants note that *Anderson* describes many processes that are performed on or with the *Anderson* key frames 475 to generate a video from a still image. However, in every instance, *Anderson* expressly teaches that the user directs the processes that are performed on the *Anderson* key frames 475. For example, the *Anderson* Abstract is repeated below for the convenience of the Examiner:

> A method and apparatus for *enabling a user to define* a panning and zooming path across a still image in a digital imaging device during interactive movie creation. The method and apparatus include *allowing the user to define* the position of a plurality of key frames on the still image, *allowing the user to size* the key frames to control the zoom during the movie, and *allowing the user to set* the key frames on the still image to fix each of the key frame's position and size. (Emphasis added.)

The *Anderson* computer 118, as disclosed in the above-described paragraph in *Anderson* (Col. 6, lines 50-59), is limited to causing the key frames to automatically appear on the image. Accordingly, *Anderson* fails to disclose, teach, or suggest the feature of "*computer program* stored on a computer-usable medium, the computer program comprising *computer-readable instructions for causing the computer to execute* the steps of: ... determining a dominant edge, line or curve corresponding to the identified characteristics of the image content; determining a display path moving between each index frame, the display path following the determined dominant edge, line or curve" as recited in claim 15.

Thus, *Anderson* does not anticipate claim 15, and the rejection should be withdrawn.

Applicants note that *Anderson* does disclose that "CPU 344 is capable of concurrently running multiple routines to control the various process of camera 110 within a multithread environment." (Col. 3, lines 22-23.) However, Applicants respectfully point out that *Anderson* fails to specify what these multiple routines are, or what these routines do (other than at the above-described paragraph in *Anderson* at Col. 6, lines 50-59). To *infer* that the CPU 334 does

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anything more, the Office Action must *improperly infer information and/or facts that are not in the record* (in *Anderson*). That is, if alleged features recited in claim 15 are not expressly taught in *Anderson*, then an allegation in the Office Action that such features are taught by *Anderson* is improper because *Anderson*, in fact, simply does not teach the alleged features. However, in the event that the Examiner believes that *Anderson* does disclose, teach or suggest that the *Anderson* computer 118 (or the camera 110, or the CPUs 244 or 334) does *automatically* perform any of the above-recited features of claim 15, Applicants respectfully request that the Examiner specifically identify with particularity the specific teachings of *Anderson* which are used to reject amended claim 15.

4.   Response to Rejection of Claims 2, 3, 4, 5, 6, 7, 8, 9. 10, 11, 12, 14, 18 and 19 Under 35 U.S.C. §103

a.   Claims 2, 9, 11 and 18

In the Office Action, claims 2, 9, 11 and 18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson*, in view of *Martin et al.* (U.S. Patent 6,256,061), hereinafter *Martin*.

1.   Claims 2 and 18

Claims 2 and 18 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims are rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of canceled claims 2 or 18 in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

2.   Claim 9

Claim 9 is amended herein to be in independent claim format. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, *e.g.*, *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicants respectfully submit that claim 9, as amended, is allowable for at least the reason that the proposed combination of *Anderson* in view of *Martin* does not disclose, teach, or suggest at least the features of "identifying, by *executing an algorithm in the processing means*, a predefined image class wherein, in that image class, there is at least one dominant edge, line or curve" and "executing an algorithm in the processing means, for determining a display path following the at least one dominant edge, line or curve" as recited in claim 9. (Emphasis added)

As noted above in the Applicants' argument for allowability of claim 15, at most, *Anderson* discloses that "key frames automatically appear on the image" (Col. 6, lines 53-54). Applicants believe that the *Anderson* processing system is therefore *limited to automatically showing the key frames on the image.* Thus, *Anderson* does not disclose, teach, or suggest at least the features of "identifying, by *executing an algorithm* in the processing means, a predefined image class wherein, in that image class, there is at least one *dominant edge, line or curve*" and "*executing an algorithm* in the processing means, *for determining a display path* following the at least one dominant edge, line or curve" as recited in claim 9 (emphasis added).

Martin also fails to disclose, teach or suggest at least the features of "identifying, by *executing an algorithm* in the processing means, a predefined image class wherein, in that image class, there is at least one *dominant edge, line or curve*" and "*executing an algorithm* in the processing means, *for determining a display path* following the at least one dominant edge, line or curve" as recited in claim 9 (emphasis added). *Martin* teaches, at most, that a "command sequencing data file 7 stores commands which control the view as displayed on a user's monitor" (Col. 5, lines 31-32). At issue, with respect to claim 9, is precisely "how" the *Martin* command sequencing data file 7 is created. The creation of the *Martin* command sequencing data file 7 is disclosed at Col. 7, lines 24-39, repeated below for the Examiner's convenience (emphasis added):

> The command sequencing data file *is created* by a development software tool which may be similar to the interface as described above in relation to FIG. 2 but with additional developer tools. These additional tools may include start recording functions, stop recording functions, resume recording functions, launch new files, and link new image file to a portion of the displayed images. For example, *to create a command sequencing data file 7*, the *developer* initiates a recording function, *calls* up a desired image data file 6, *moves through* the image data file 6 and *pauses or stops* the recording function. *The system stores the commands as input by the developer* as the command sequencing data file 7. If desired, the command sequencing data file 7 can be edited with simple text editing tools. Command files

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can be developed from a series of commands sequencing data that are similar in intent, but different in name from the ones listed herein.

Clearly, *Martin* discloses that the command sequencing data file 7 is created *manually* by the developer. *Martin* simply does not disclose that the command sequencing data file 7 is automatically generated by a processing means. Thus, *Martin* fails to teach, disclose or suggest "executing an algorithm in the processing means, *for determining a display path* following the at least one dominant edge, line or curve" as recited in claim 9 (emphasis added). Thus, *Martin* fails to disclose, teach or suggest every element of the Applicants' claimed invention.

Accordingly, the proposed combination of *Anderson* in view of *Martin* does not teach at least the claimed above-recited limitations of claim 9. That is, even if the teachings of *Anderson* are modified by *Martin* (or vice-versa), there is no algorithm executed by a processing means that determines a display path. Therefore, a *prima facie* case establishing an obviousness rejection by *Anderson* in view of *Martin* has not been made. Thus, claim 9 is not obvious under proposed combination of *Anderson* in view of *Martin*, and the rejection should be withdrawn.

3. Claim 11

Because independent claim 10 is allowable over the cited art of record for the reasons described below, dependent claim 11 (which depends from independent claim 10) is allowable as a matter of law for at least the reason that the dependent claim 11 contains all features/elements/steps of independent claim 10. Accordingly, the rejection to this claim should be withdrawn.

b. Claims 3, 10 and 19

In the Office Action, claims 3, 10 and 19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson*, in view of *Martin*, and further in view of *Lau et al.* (U.S. Patent 6,633,309), hereinafter *Lau*.

1. Claim 3

Because independent claim 9 is allowable over the cited art of record for the reasons described above, dependent claim 3 (which depends from independent claim 9) is allowable as a matter of law for at least the reason that the dependent claim 3 contains all

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features/elements/steps of independent claim 9. Accordingly, the rejection to this claim should be withdrawn.

2.   Claim 10

Applicants respectfully submit that claim 10, as amended, is allowable for at least the reason that the proposed combination of *Anderson* in view of *Martin*, and further in view of *Lau* does not disclose, teach, or suggest at least the feature of *"executing an algorithm, in the processing means*, for *determining a display path* moving between each index frame and following the dominant edges, lines or curves" as recited in claim 10 (emphasis added).

Anderson does not disclose, teach, or suggest "executing an algorithm, in the processing means, for determining a display path" since the display path is not expressly disclosed as being determined by an executed processing means algorithm.

Martin teaches, at most, that a *"to create a command sequencing data file 7*, the *developer* initiates a recording function, *calls* up a desired image data file 6, *moves through* the image data file 6 and *pauses or stops* the recording function. *The system stores the commands as input by the developer* as the command sequencing data file 7." (Col. 7, lines 30-36, emphasis added.) Thus, *Martin* fails to disclose, teach or suggest "executing an algorithm, in the processing means, for determining a display path" since the display path (command sequencing data file 7) is manually determined by the developer. Nor does *Lau* disclose, teach, or suggest "executing an algorithm, in the processing means, for determining a display path."

Accordingly, the proposed combination of *Anderson* in view of *Martin*, and further in view of *Lau* does not teach at least the claimed limitations of "executing an algorithm, in the processing means, for determining a display path moving between each index frame and following the dominant edges, lines or curves" as recited in claim 10. Therefore, a *prima facie* case establishing an obviousness rejection by *Anderson* in view of *Martin*, and further in view of *Lau* has not been made. Thus, claim 10 is not obvious under proposed combination of *Anderson* in view of *Martin*, and further in view of *Lau*, and the rejection should be withdrawn.

3.   Claim 19

Claim 19 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to this claim is rendered moot. Applicants take this action merely to reduce the

number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of canceled claim 19 in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

c. Claims 4-8

In the Office Action, claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson*, in view of *Martin*, *Lau* and further in view of *Madrane* (U.S. Patent 6,573,907). Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson*, in view of *Martin*, *Lau* and further in view of *Foote, et al.* (U.S. Patent 6,404,925). Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson*, in view of *Martin*, *Lau*, *Madrane* and further in view of *Foote, Terashita et al.* (US. Patent 5,128,711).

Because independent claim 9 is allowable over the cited art of record for the reasons described above, dependent claims 4-8 (which depend from independent claim 9) are allowable as a matter of law for at least the reason that the dependent claims 4-8 contain all features/elements/steps of independent claim 9. Accordingly, the rejection to these claims should be withdrawn.

d. Claims 12 and 14

In the Office Action, claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson*, in view of *Uchihachi et al.* (U.S. Patent 6,535,639). Claim 14 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson*, in view of *Madrane*.

Because independent claim 10 is allowable over the cited art of record for the reasons described above, dependent claims 12 and 14 (which depend from independent claim 10) are allowable as a matter of law for at least the reason that the dependent claims 12 and 14 contain all features/elements/steps of independent claim 10. Accordingly, the rejection to these claims should be withdrawn.

4. Newly Added Claims 20-36

New claims 20-36 are based on subject matter that is explicit and/or inherent within the description of the specification and/or the drawings. Applicants submit that no new

matter has been added in the new claims 20-36, and that new claims 20-36 are allowable over the cited prior art. Therefore, Applicants request the Examiner to enter and allow the above new claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 3-15 and 20-36, are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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